

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DOUGLAS J. REECE, on behalf of himself and
all others similarly situated,

Plaintiffs,

v.

ALTRIA GROUP, INC., ALTRIA
ENTERPRISES LLC, and JUUL Labs, Inc.,

Defendants.

Case No. 20-cv-02345-WHO

**[PROPOSED] PRETRIAL ORDER
NO. 1**

Judge: Hon. William H. Orrick

This Document Relates to:

ALL DIRECT PURCHASER ACTIONS

ALL INDIRECT PURCHASER ACTIONS

ALL INDIRECT RESELLER ACTIONS

1 In order to facilitate the efficient management of the antitrust class actions (the “Antitrust
2 Actions”) involving the alleged anticompetitive agreements related to closed-system electronic
3 cigarettes and/or pods, the Court hereby **ORDERS** as follows:

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5 1. The provisions of this Order shall govern the practice and procedures in the Antitrust
6 Actions that were or will be related to *Reece v. Altria Group, Inc., et al.*, Case No. 20-cv-02345
7 pursuant to N.D. Cal. Civil Local Rule 3-12.¹ Pursuant to Federal Rule of Civil Procedure 42(a), the
8 Court now consolidates the Antitrust Actions into Case No. 20-cv-02345. Any “tag-along actions”
9 raising substantially similar claims and defenses as the Antitrust Actions later removed to or
10 transferred to this Court, or directly filed in the Northern District of California, will automatically
11 be consolidated with this action without the necessity of future motions or orders. The Antitrust
12 Actions already pending before this Court are coordinated for pretrial purposes. This coordination
13 does not constitute a determination whether the Antitrust Actions should be consolidated for trial,
14 nor does it have the effect of making any entity a party to any action in which he, she, or it has not
15 been named, served, or added in accordance with the Federal Rules of Civil Procedure. All
16 subsequent filings filed in this Court related to the Antitrust Actions shall be captioned “*In re Juul*
17 *Labs, Inc. Antitrust Litigation*” under Case No. 20-cv-02345.

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19 ¹ The following case numbers have previously been related by the Court: Case Nos. 3:20-cv-02512;
20 3:20-cv-02597; 3:20-cv-02729; 3:20-cv-02779; 3:20-cv-02778; 3:20-cv-02891; 3:20-cv-03288; 3:20-
21 cv-03430; 3:20-cv-03867; 3:20-cv-04413; 3:20-cv-04238; 3:20-cv-02999; 3:20-cv-03183; 3:20-cv-
03868; 3:20-cv-03861; 3:20-cv-04073; and 3:20-cv-04736. The *Blomquist* action (Case No. 3:20-
cv-02512) has subsequently been voluntarily dismissed (ECF No. 124).

2. Every pleading or motion filed in the master docket shall bear the following caption:

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN RE JUUL LABS, INC. ANTITRUST
LITIGATION

Master File No. 20-cv-02345-WHO

This Document Relates To: ["All Actions" or
"The Direct Purchaser Actions" or "All Indirect
Purchaser Actions" or "All Indirect Reseller
Actions" or the docket numbers of each individual
case to which the document relates.]

3. If a document pertains to only one or some of the member cases, the document must list the actions or the docket number of each individual action to which the document applies immediately under the master caption as set forth above. Documents that pertain to one or only some of the individual pending actions shall *also* be filed in the individual case(s) to which the documents pertain.

4. The Court has appointed Interim Lead Counsel for the Direct Purchaser Plaintiffs and Indirect Purchaser Plaintiffs (collectively, "Plaintiffs"). The Court has also appointed four counsel to the Steering Committee. *See* ECF No. 115; Fed. R. Civ. P. 23(g).

A. The Court appointed the following as Interim Lead Counsel for the Direct Purchaser Plaintiffs:

Joseph R. Saveri
JOSEPH SAVERI LAW FIRM, INC.
601 California Street, Suite 1000
San Francisco, California 94108
Telephone: (415) 500-6800
Facsimile: (415) 395-9940
jsaveri@saverilawfirm.com

B. The Court appointed the following as Interim Lead Counsel for the Indirect Purchaser Plaintiffs:

Robin F. Zwerling
ZWERLING, SCHACHTER & ZWERLING, LLP
 41 Madison Avenue
 New York, NY 10010
 Telephone: (212) 223-3900
 Facsimile: (212) 371-5969
 rzerling@zsz.com

In general, Interim Lead Counsel are responsible for coordinating the activities of Plaintiffs during pretrial proceedings, *see, e.g., In re Juul Labs Inc. Mktg, Sales Pracs., and Prods. Liab. Litig.*, No. 19-md-02913, (N.D. Cal. Dec. 20, 2019), ECF No. 341, and shall:

- (1) determine (after such consultation with other members of the Steering Committee and other co-counsel as may be appropriate) and present to the Court and opposing parties the position of Plaintiffs, either collectively or on behalf of their respective plaintiffs and proposed classes, on all matters arising during pretrial proceedings;
- (2) coordinate the scheduling and conduct of discovery on behalf of Plaintiffs consistent with the requirements of Fed. R. Civ. P. 26(b)(1), 26(2) and 26(g), as well as the preparation of protocols for discovery to allow for equitable and efficient use of discovery;
- (3) suggest, in consultation with Defendants, the ordering, priority, and response to pending and anticipated motions;
- (4) coordinate, at the appropriate juncture, the selection of trial teams;
- (5) conduct settlement negotiations on behalf of their respective plaintiffs and proposed classes;
- (6) delegate specific tasks to Steering Committee members and other counsel in a manner to ensure that pretrial preparation for Plaintiffs, either collectively or on behalf of their respective plaintiffs and proposed classes, is conducted efficiently and effectively;
- (7) enter into stipulations with opposing counsel, counsel in the MDL actions, and/or other counsel, as necessary for the conduct of the litigation;
- (8) prepare and distribute periodic status reports to the Court and parties;

(9) monitor time and expenses of all Plaintiffs' counsel to ensure that the litigation moves forward expeditiously while unnecessary expenditures of time and funds are avoided; and

(10) perform such other duties as may be necessary for effective and efficient coordination of Plaintiffs' pretrial activities or authorized by further order of the Court.

C. The Court appointed the following as members of the Steering Committee:

For the Direct Purchaser Plaintiffs:

Natasha Fernandez-Silber
RADICE LAW FIRM, P.C.
475 Wall Street
Princeton, NJ 08540
Telephone: (646) 245-8502
Facsimile: (609) 385-0745
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Michelle C. Clerkin
MOTLEY RICE LLC
777 Third Avenue, 27th Floor
New York, NY 10017
Telephone: (212) 577-0040
mclerkin@motleyrice.com

For the Indirect Purchaser Plaintiffs and the Indirect Reseller Plaintiffs

Elana Katcher
**KAPLAN FOX & KILSHEIMER
LLP**
850 Third Avenue, 14th Floor
New York, New York 10022
Telephone: (212) 687-1980
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Pamela A. Markert
CERA LLP
595 Market Street, Suite 1350
San Francisco, CA 94105
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Facsimile: (415) 777-5189
pmarkert@cerallp.com

In general, Steering Committee members shall consult with and operate with the guidance of Interim Lead Counsel.

5. Each attorney of record is obligated to become a Northern District of California ECF User and be assigned a user ID and password for access to the system. If she or he has not already done so, counsel shall register forthwith as an ECF User and be issued an ECF User ID and password. Forms and instructions can be found on the Court's website at www.cand.uscourts.gov/cm-ecf. The docket in Case No. 20-cv-02345 will constitute the master docket. All filings shall be filed in the master docket.


6. A copy of this Order shall be filed by the Clerk in any subsequent case filed, transferred, or related.

1 7. Counsel are directed to familiarize themselves with the Northern District of
2 California's Local Rules, the Standing Order for All Judges of the Northern District of California,
3 the Court's standing orders, and the Guidelines for Professional Conduct for the Northern District of
4 California.

5 8. Counsel who appeared in a related case prior to consolidation need not enter an
6 additional appearance before this Court. Attorneys admitted to practice and in good standing in any
7 United States District Court may, at Case No. 20-cv-02345, seek to be admitted *pro hac vice* in this
8 litigation pursuant to N.D. Cal. Civil Local Rule 11-3. The requirement that *pro hac vice* counsel
9 retain local counsel, *see* N.D. Cal. Civil Local Rules 11-3(a)(3) and 11-3(e), is waived and does not
10 apply to this action.

11 IT IS SO ORDERED

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14 DATED: October 20, 2020

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18 HONORABLE WILLIAM H. ORRICK
19 UNITED STATES DISTRICT JUDGE
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